

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
DUBLIN DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	Case No. 3:12-cv-00111 JRH-BKE
)	
LISTER HARRELL; SARALAND,)	
L.L.L.P; MIDDLE GEORGIA)	
ROAD BUILDERS, INC.; and)	
ROBERT SUTTON,)	
)	
Defendants.)	
)	

**NOTICE OF SATISFACTION AND TERMINATION OF CONSENT DECREE AND
REQUEST FOR CASE CLOSURE**

The United States hereby notifies the Court that the Settling Defendants under the Consent Decree (ECF No. 49, entered by this Court on November 2, 2015) -- which resolved the claims asserted in this action by the United States against the settling Defendants, Middle Georgia Road Builders, Inc., and Robert Sutton -- have satisfied their obligations under the Consent Decree , and **the Consent Decree should therefore be terminated and this case closed**. In support of the foregoing, Plaintiff states as follows:

1. In its Complaint, the United States alleged that Defendants violated sections 301(a) and 404 of the Clean Water Act (“CWA”), 33 U.S.C. §§ 1311(a) and 1344, by unlawfully discharging pollutants into waters of the United States at a site located near the City of Eastman, in Dodge County, Georgia.

2. On September 14, 2015, the United States lodged with this Court a proposed Consent Decree, together with Appendix A and its exhibits, which would resolve the claims against Settling Defendants in this matter. (ECF No. 46.)

3. On November 2, 2015, this Court approved and entered the lodged Consent Decree.

4. The Consent Decree required that Settling Defendants pay civil penalties that are consistent with the equitable factors set forth in CWA section 309(d), 33 U.S.C. § 1319(d), including settling Defendants' ability to pay. Consent Decree ¶ 16. Those penalties have now been paid.

8. Further, the Consent Decree (¶¶ 20-22) required Settling Defendants to undertake and pay for restoration activities on the Site in accordance with a detailed, EPA-approved Restoration Plan, which is attached to the Decree and incorporated therein by reference. The United States is satisfied that Settling Defendants have discharged their restoration obligations.

9. Accordingly, Plaintiff, through its undersigned attorneys, requests that this Court terminate the Decree and dismiss and close this case.

10. Plaintiff's undersigned counsel has advised James C. Garner, counsel for Settling Defendants who negotiated the Consent Decree and oversaw Settling Defendants' performance under the Consent Decree, that the United States is satisfied that Settling Defendants' obligations in the Decree have been accomplished and that the Consent Decree should therefore be terminated and this case closed. Attorney Garner expressed agreement with termination and case closure. An advance copy of this document has been emailed to attorney Garner at jcgarner@smithgarner.com.

Respectfully submitted,

FOR PLAINTIFF UNITED STATES

/s/ Martin F. McDermott

MARTIN F. MCDERMOTT

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Dated: October 31, 2018

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 31st day of October, 2018, the foregoing document was filed with the Clerk of the Court using the CM/ECF system.

s/ Martin F. McDermott
MARTIN F. McDERMOTT